

## **REMARKS/ARGUMENTS**

### **I. Amendment to the Specification**

In the Specification, paragraph [0035] has been amended to correct a typographical error. The new replacement paragraph names the correct drawing, FIG. 4, showing the arrow indicating the counterforce generated by the spring F on the operating lever 3.

### **II. Rejections Under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph**

Claims 9 and 10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended those claims to more particularly point out and distinctly claim the subject matter of the present invention.

Specifically, Claim 9 has been amended to recite that “the operating lever (3) pivotally engages a pawl (2) of the locking mechanism (1, 2) to open the locking mechanism (1, 2)”, prior to the release of the pawl (2) by the operating lever (3). Paragraphs [0013] through [0015] and FIGS. 1-2 showing the functional positions of those parts describe this pivoting of the pawl (2) by the operating lever (3). Applicant believes that this amendment provides sufficient antecedent basis for the releasing of the pawl (2).

Claim 10 has been amended to clarify that the counterforce generated by the spring (F) runs radially through the cam (4), “in the direction of” a rotation axis (5) of the drive disk (5). In other words, the counterforce runs in a direction of a radius going from the circumference of the drive disk (5) inward, and runs through the cam (4), as

indicated by an arrow pointing to the rotation axis (5') in FIG. 4. Claim 10 has further been amended to recite that this counterforce avoids "providing a sideways force on the drive disk (5)", thereby allowing the drive disk (5) to reach the opening position while requiring a minimum of force. This is important for ensuring reliable and simple operations. Support for these changes can be found in the newly amended paragraph [0035] in the Specification and in FIG. 4. No new matter has been added by these amendments.

Applicant believes that these amendments sufficiently address the rejections pertaining to Claims 9 and 10 and respectfully requests the reconsideration and withdrawal of those rejections.

### **III. Rejections Under 35 U.S.C. § 102(b)**

Claims 1-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nass et al. (WO 03/018939; hereinafter referred to as Nass). In an Interview with the Examiner on July 16, 2007, the Examiner stated that the previously stated rejection of those claims under 35 U.S.C. § 102(e) was incorrect; the rejection should have been under 35 U.S.C. § 102(b).

Claims 1, 2, 4-6, and 9 further stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fukumoto (U.S. 5,020,838).

Applicant has amended Claim 1 to include the subject matter of dependent Claim 2, and canceled Claim 2. Claim 3 has been amended to now depend from Claim 1.

Additionally, Applicant has clarified within the amended claim that "the motor drive (4, 5, 6, 7) is *also operable in a reverse direction*". Support for this limitation can

be found at paragraphs [0024] and [0030], which clearly state that the motor drive (4, 5, 6, 7) can be operated in reverse. No new matter has been added by these amendments.

Applicant believes that Nass lacks the important feature where “the motor drive (4, 5, 6, 7) *directly acts upon* the locking mechanism (1, 2) *solely* via the operating lever (3)”, as recited in Claim 1. As stated in the Abstract of Nass, the drive (5, 6, 7, 8, 9) *interacts indirectly* with the release lever (3) by means of an interconnected power storage device (12). This feature is essential to Nass, since it attempts to ensure that an electrically initiated opening process can be fully completed via the interconnected power storage device (12), irrespective of any problems during the drive operation. The power storage device (12) of Nass may be a spiral spring (paragraph 34), as an example, to ensure opening under all circumstances.

The present invention has the motor drive directly actuating the locking mechanism and, in particular, the pawl, via solely the operating lever. Thus, the invention does not require additional levers, springs, etc. The motor drive only operates the operating lever, which in turn actuates the locking mechanism (or preferably the pawl) (see paragraphs [0010] and [0011]).

Such a simple design is very important for the present invention, which has an aim of providing a functional, simple and cost-effective solution for a generic vehicle door latch for motorized openings. Nass lacks this feature of requiring a minimum of components and permitting low manufacturing costs, while still maintaining reliability in motorized openings.

Furthermore, Applicant respectfully submits that both Nass and Fukumoto lack the very important feature, as recited in amended Claim 1, of the motor drive (4, 5, 6, 7)

being *also operable in a reverse direction*. Applicant respectfully believes that any ability of the spring 12 of Nass to return the disk to a position shown in FIG. 1 is not the same as *operating* the electric motor (6) in reverse.

In the present invention, the reversing process of the motor drive (4, 5, 6, 7) is an important feature. As shown in the functional flow diagram of FIG. 5, both the actuating and the reversing processes are important for moving the operating lever (3) to the appropriate positions at time points 1-7. Sensors (9, 10, 11) signal the control unit (12) to actuate the electric motor (6) in either direction.

Thus, the motor drive (4, 5, 6, 7) based on signals from the sensors (9, 10, 11) act upon the operating lever (3) to open the locking mechanism. Then, at time points 5-7, the electric motor (6) operates in reverse to release the pawl so that it lies against the catch and, during a subsequent (manual) closing of the vehicle door, can easily engage with the catch (see paragraphs [0016] and [0039]).

This process provides a functional, simple and cost-effective design for the motorized opening of a vehicle door latch. Applicant respectfully submits that the mere springing back of the disk to a previous position, as shown in Nass, is not the same as the reverse operation of the motor drive (4, 5, 6, 7) in conjunction with specific positions of the catch (1), the drive disk (5) and the motor drive (4, 5, 6, 7). Similarly, Fukumoto discloses a return-spring that returns the worm-wheel to its original position after completing its rotation. Applicant believes that the return-spring of Fukumoto is dissimilar to the present invention for the same reasons as described above for Nass.

For all of the above stated reasons, Claim 1 patentably distinguishes over the cited references. Claim 3-10 ultimately depend from and include all of the subject matter of

Claim 1, which has been shown to be allowable. Accordingly, Claims 3-10 are also allowable over the cited references.

**IV. Summary**

Having fully addressed the Examiner's rejection of all of the claims 1-10, Applicant submits that the reasons for the Examiner's rejections have been overcome. Applicant respectfully requests that the amendments be entered and a Notice of Allowance be issued.

If the Examiner believes the prosecution of this application would be advanced by a telephone call, the Examiner is invited to contact Applicant's attorney at the telephone indicated below.

**V. Fees**

A fee for a one month extension of time is enclosed herewith. The Commissioner is hereby authorized to charge any other fees which may be required or credit any overpayment to **Deposit Account No. 502270**.

Respectfully submitted,



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